

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JUAN R. LOPEZ-VILLANUEVA,

Case No. 2:15-cv-00156-JAD-PAL

Plaintiff,

v.

**REPORT OF FINDINGS AND
RECOMMENDATION**

MARIO RODRIGUEZ MARIN, et al.,

Defendants.

This matter is before the Court on Plaintiff's failure to comply with this Court's Order (Dkt. #28) and Order to Show Cause (Dkt. #31).

On December 4, 2015, the court entered an Order (Dkt. #28) requiring Plaintiff to retain substitute counsel, or to file a statement with the court on or before December 30, 2015, that he would be representing himself *pro se*. The order warned Plaintiff that his failure to comply "may result in the imposition of sanctions up to and including a recommendation to the district judge that the case be dismissed." *Id.* Plaintiff failed to retain substitute counsel or file a statement that he would be representing himself *pro se*. He also did not request an extension of time in which to comply with the Court's Order (Dkt. #28). Upon a review of the docket in this matter, the court also noticed that recent notification to Plaintiff's last known address had been returned as "Not deliverable as addressed. Unable to forward."

On January 28, 2016, the Court entered an Order to Show Cause (Dkt. #31) because Plaintiff had failed to comply with the Court's previous Order (Dkt. #28). The Court directed Plaintiff to show cause in writing no later than February 18, 2016, why he had not complied with the Court's Order (Dkt. #28), and why he had not kept the court apprised of his current address. The Order to Show Cause (Dkt. #31) advised Plaintiff that failure to timely comply with the order would result in a recommendation to the district judge that the case be dismissed for failure


1 to comply with this Court's orders, and failure to prosecute this case. Plaintiff failed to file a
2 response to the Order to Show Cause (Dkt. #31), and he has not requested an extension of time in
3 which to do so. That Order was also returned as "Not deliverable as addressed. Unable to
4 forward."

5 Plaintiff's willful failure to comply with the Court's orders is an abusive litigation practice
6 that has interfered with the Court's ability to hear this case, delayed litigation, disrupted the
7 Court's timely management of its docket, wasted judicial resources, and threatened the integrity
8 of the Court's orders and the orderly administration of justice. Sanctions less drastic than
9 dismissal are unavailable because Plaintiff has willfully refused to comply with multiple court
10 orders and the Local Rules of Practice.

11 Accordingly,

12 **IT IS RECOMMENDED** that Plaintiff's Complaint be **DISMISSED**.

13 DATED this 1st day of March, 2016.

14 
15 PEGGY A. ZEEN
UNITED STATES MAGISTRATE JUDGE

16 **NOTICE**

17 These findings and recommendations are submitted to the United States district judge
18 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days after
19 being served with these findings and recommendations, any party may file written objections
20 with the Court. Pursuant to LR IB 3-2(a) of the Local Rules of Practice, any party wishing to
21 object to the findings and recommendations of a magistrate judge shall file and serve *specific*
22 *written objections* together with points and authorities in support of those objections, within 14
23 days of the date of service of the findings and recommendations. The document should be
24 captioned "Objections to Magistrate Judge's Findings and Recommendations." The parties are
25 advised that failure to file objections within the specified time may waive the right to appeal the
26 district court's order. *See Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). The points and
27 authorities filed in support of the specific written objections are subject to the page limitations
28 found in LR 7-4.